

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 3761**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Reiko MORIYA et al.

Group Art Unit: 3761

Application No.: 10/570,028

Examiner: M. KIDWELL

Filed: March 1, 2006

Docket No.: 127049

For: ABSORBENT ARTICLE

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The period for response has been extended by the attached Petition for Extension of Time. Claims 1-11 are pending in this application. In reply to the September 16, 2009 Office Action, Applicants respectfully request reconsideration of the pending claims at least in light of the following remarks.

Claims 1-11 are rejected under 35 U.S.C. §103(a) over Sugiyama et al. (U.S. Patent No. 7,175,613) in view of Ando (JP-A-10-295723). Applicants respectfully traverse the rejection.

Claim 1 recites that the second leak preventer does not include any perforation so as to prevent the feces from permeating or passing through the second leak preventer. The Office Action admits that Sugiyama fails to disclose, or to have rendered obvious, these features, but alleges that Ando overcomes the deficiencies of Sugiyama. The Office Action further alleges